

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW PERRONG and STEWART
ABRAMSON, individually and on behalf of a
class of all persons and entities similarly
situated,

Plaintiffs,

v.

FRONTIER UTILITIES NORTHEAST LLC
and NEXT GENERATION ENERGY, INC.,

Defendants.

Civil Action No. 20-05844-MSG

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: All persons in the United States who received calls or texts regarding Frontier Utilities Northeast LLC's services from May 31, 2013 through [DATE OF PRELIMINARY APPROVAL].

**IF YOU ARE A MEMBER OF THIS GROUP,
YOU SHOULD READ THIS NOTICE CAREFULLY.
IT MAY AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.**

A FEDERAL COURT AUTHORIZED THIS NOTICE.

THIS IS NOT A SOLICITATION FROM A LAWYER.

- A class action settlement agreement and release (the “**Settlement Agreement**”) has been proposed in the class action lawsuit referenced above pending in the United States District Court for the Eastern District of Pennsylvania (the “**Action**”). You may be a class member in the proposed settlement and may be entitled to participate in the proposed settlement.
- The United States District Court for the Eastern District of Pennsylvania has ordered the issuance of this notice in the Action. Frontier Utilities Northeast LLC (“**Frontier Utilities**”) denies it did anything wrong and has defended itself throughout the Action. The Court has not decided who is right. Both sides have agreed to settle the dispute to avoid burdensome and costly litigation.
- If the Court gives final approval to the Settlement Agreement, Frontier Utilities will create a fund of **\$3,050,000.00**. You may be eligible to receive a pro rata share of the settlement after the deduction of Settlement Class Counsel’s Fees, Costs, and Expenses Award (see Section 11 below), Plaintiffs’ Service Payments (see Section 12 below), and Administration Costs from the Settlement Fund (see Section 13 below), if you are (a) on the Closed Sales List and do not submit a timely and valid request for exclusion; or (b) you submit a timely and valid Claim Form. The value of a Settlement Class Member’s individual award will depend upon the number of Authorized Claimants.

A Summary of Your Rights and Options:	
If You:	You Will:
Do Not Exclude Yourself From The Settlement:	<ul style="list-style-type: none"> • Be a member of the Settlement Class • Be eligible to receive an award under the settlement → • Be able to object to the terms of the settlement • Be bound by judgments and orders in the Action • Be prohibited from filing suit asserting Released Claims
<i>or</i>	
Exclude Yourself From The Settlement:	<ul style="list-style-type: none"> • Not be a member of the Settlement Class • Not be eligible to receive an award under the settlement → • Not be able to object to the terms of the settlement • Not be bound by judgments and orders in the Action • Not be prohibited from filing suit asserting Released Claims

- **This Notice Explains These Rights and Options and the Deadlines and Procedures For Exercising Them.**
- The Court has preliminarily approved the Settlement Agreement and must decide whether to give final approval to the Settlement Agreement. The relief provided to Settlement Class Members will be provided only if the Court gives final approval to the Settlement Agreement and, if there are any appeals, after the appeals are resolved in favor of the settlement. ***Please be patient.***

WHAT THIS NOTICE CONTAINS

BACKGROUND INFORMATION ##

1. Why did I get this notice?
2. What is this lawsuit about?
3. Why is this a class action?
4. Why is there a settlement?
5. How do I know if I am part of the settlement?
6. I'm still not sure if I am included.

THE PROPOSED SETTLEMENT ##

7.	What relief does the settlement provide to the Settlement Class Members?	
HOW TO REQUEST AN AWARD UNDER THE SETTLEMENT – SUBMITTING A CLAIM FORM		##
8.	How can I get an award under the Settlement Agreement?	
9	When will I get an award under the Settlement Agreement?	
THE LAWYERS IN THIS CASE AND THE PLAINTIFF		##
10.	Do I have a lawyer in this case?	
11.	How will the lawyers be paid?	
12.	Will the Plaintiffs receive any compensation for their efforts in bringing the Action?	
13.	How will the Settlement Administrator be paid?	
DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS		##
14.	What am I giving up to obtain relief under the Settlement Agreement?	
HOW TO EXCLUDE YOURSELF FROM THE SETTLEMENT		##
15.	How do I exclude myself from the Settlement Agreement?	
HOW TO OBJECT TO THE SETTLEMENT		##
16.	How do I tell the Court that I disagree with the Settlement Agreement?	
17.	What is the difference between excluding myself and objecting to the Settlement Agreement?	
FINAL APPROVAL HEARING.....		##
18.	What is the Final Approval Hearing?	
19.	When and where is the Final Approval Hearing?	
20.	May I speak at the hearing?	
ADDITIONAL INFORMATION.....		##
21.	How do I get more information?	
22.	What if my address or other information has changed or changes after I submit a Claim Form?	

BACKGROUND INFORMATION

1. Why did I get this notice?

You received this Notice because a Settlement Agreement has been reached in the Action and you may be a class member. If you are a member of the Settlement Class, you may be eligible for the relief detailed below.

This Notice explains the nature of the Action, the general terms of the proposed Settlement Agreement, and your legal rights and obligations. To obtain more information about the settlement, including information about how you can see a copy of the Settlement Agreement (which defines certain capitalized terms used in this Notice), see Section 21 below.

2. What is this lawsuit about?

Two individuals (the “Plaintiffs”) filed a lawsuit against Frontier Utilities on behalf of themselves and all others similarly situated. The lawsuit alleges that Frontier Utilities violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”) by, *inter alia*, placing unsolicited telephone calls and/or text messages (“Calls”) to Plaintiffs and the Settlement Class Members.

Frontier Utilities denies each and every allegation of unlawful conduct, any wrongdoing, and any liability whatsoever. No court or other entity has made any judgment or other determination of any liability. Frontier Utilities further denies that any Settlement Class Member is entitled to any relief and, other than for settlement purposes, that the Action is appropriate for certification as a class action.

The issuance of this Notice is not an expression of the Court’s opinion on the merits or the lack of merits of the Plaintiffs’ claims in the Action.

For information about how to learn about what has happened in the Action to date, please see Section 21 below.

3. Why is this a class action?

In a class action lawsuit, one or more people sue on behalf of other people who allegedly have similar claims. The defendants in the Action are Frontier Utilities and Next Generation Energy, Inc. For purposes of this settlement, one court will resolve the issues for all Settlement Class Members.

4. Why is there a settlement?

Plaintiffs have made claims against Frontier Utilities. Frontier Utilities denies that it has done anything wrong and admits no liability. The Court has **not** decided that the Plaintiffs or Frontier Utilities should win the Action. Instead, both sides agreed to a Settlement Agreement. That way, they avoid the cost of a trial, and the Settlement Class Members will receive relief now rather than years from now, if at all.

5. How do I know if I am part of the settlement?

The Court has decided that everyone who fits this description is a Settlement Class Member for purposes of the Settlement Agreement:

All persons in the United States to whom Frontier or anyone acting or purporting to act on Frontier’s behalf made or tried to make any of the following Calls between May 31, 2013, and the date of entry of the Preliminary Approval Order:

- (a) one or more Calls made using an automatic telephone dialing system, dialing platform, or other dialing equipment, to a number assigned to any paging service, cellular

telephone service, specialized mobile radio service, radio common carrier service, or service for which the called party is charged for the Call;

- (b) one or more Calls initiated using an artificial or prerecorded voice; and/or
- (c) one or more Calls to a telephone number while it was on the national Do-Not-Call Registry or a state Do-Not-Call Registry or was on or requested to be placed on Frontier's internal do-not-call list.

Excluded from the Settlement Class are: (1) the Judges and Magistrate Judges presiding over the Action and members of their immediate families; (2) the Defendants, their parent companies, successors, predecessors, and any entities in which the Defendants or their parents have a controlling interest, and Defendants' current and former officers and directors; (3) persons who properly execute and timely file a request for exclusion from the class; and (4) the legal representatives, successors, or assigns of any such excluded person(s).

6. I'm still not sure if I am included.

If you are still not sure whether you are included in the Settlement Class, you can write or call the Settlement Administrator for free help. The Settlement Administrator's contact information is below.

Frontier Utilities TCPA Settlement
c/o _____

[Address]

[City] [State], [Zip Code]

1-8XX-XXX-XXXX

Email: [xxxx]@[xxxx].com

THE PROPOSED SETTLEMENT

7. What relief does the settlement provide to the Settlement Class Members?

If the Court gives final approval to the settlement, Frontier Utilities will create a Settlement Fund of **\$3,050,000.00** which will be used to pay the Claims of Settlement Class Members, Settlement Class Counsel's Fees, Costs, and Expenses Award (see Section 11 below), Plaintiffs' Service Payments (see Section 12 below), and compensation for the Settlement Administrator for Administration Costs (see Section 13 below).

If you are a Settlement Class Member, you are eligible to receive a pro rata share of the Settlement Fund, after the deduction of Settlement Class Counsel's Fees, Costs, and Expenses Award, Plaintiffs' Service Payments, and Administration Costs, by being on the Closed Sales List or by submitting a timely and valid Claim Form. The value of a Settlement Class Member's individual award will depend upon the number of Authorized Claimants.

HOW TO REQUEST AN AWARD UNDER THE SETTLEMENT – SUBMITTING A CLAIM FORM

8. How can I get an award under the Settlement Agreement?

To qualify for an award under the Settlement Agreement, you must be on the Closed Sales List or submit a timely and valid Claim Form. A Claim Form is available by clicking [HERE](#) or on the Internet at the website [www.\[xxxx\].com](http://www.[xxxx].com). The Claim Form may be submitted by postal mail. Read the instructions carefully, fill out the form, and postmark it by [Month] [Day], [Year].

9. When will I get an award under the Settlement Agreement?

As described in Sections 18 and 19, the Court will hold a hearing on [Month] [Day], [Year] at [time] to decide whether to approve the Settlement Agreement. If the Court approves the settlement, after that, there may be appeals. It's always uncertain whether these appeals will result in a favorable decision for the Settlement Class, and concluding them can take time, perhaps more than a year. You can check on the progress of the case on the website dedicated to the settlement at [www.\[xxxx\].com](http://www.[xxxx].com). *Please be patient.*

THE LAWYERS IN THIS CASE AND THE PLAINTIFF

10. Do I have a lawyer in this case?

The Court has ordered that the law firms of Paronich Law, P.C. and Murray Murphy Moul + Basil LLP (“**Settlement Class Counsel**”) will represent the interests of all Settlement Class Members. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. How will the lawyers be paid?

Settlement Class Counsel will petition the Court to receive a Fees, Costs, and Expenses Award up to \$1,036,666.66 total, which includes **\$20,000.00** in out-of-pocket costs and expenses. The Court will make the final decision as to the amount to be paid to the attorneys for their fees and costs. You will not be required to separately pay any attorneys' fees or costs.

12. Will the Plaintiffs receive any compensation for their efforts in bringing the Action?

The Plaintiffs will request a Service Payment of up to **\$5,000.00** each for their services as class representative and their efforts in bringing the Action. The Court will make the final decision as to the amount to be paid to the Plaintiffs.

13. How will the Settlement Administrator be paid?

Settlement Class Counsel will petition the Court to pay the Administration Costs of the Settlement Administrator for costs and fees incurred in providing notice to the Settlement Class and administering the settlement. The Court will make the final decision as to the amount to be paid to the Settlement Administrator.

DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS

14. What am I giving up to obtain relief under the Settlement Agreement?

If the Court approves the proposed Settlement Agreement and you do not submit an exclusion request, you will be releasing your claims against Frontier Utilities and the other entities allegedly involved in the Calls at issue unless you have excluded yourself from the settlement. This generally means that you will not be able to file or pursue a lawsuit against the Released Parties or be part of any other lawsuit against the Released Parties asserting claims that were or could have been asserted in the Action. The Settlement Agreement, available on the Internet at the website [www.\[xxxx\].com](http://www.[xxxx].com), contains the full terms of the release.

HOW TO EXCLUDE YOURSELF FROM THE SETTLEMENT

15. How do I exclude myself from the Settlement Agreement?

You may exclude yourself from the Settlement Class and the Settlement Agreement. You can submit a request for exclusion to the Settlement Administrator electronically (through the Settlement Website) or by postal mail. If you want to be excluded, you must either submit the request for exclusion through the Settlement Website or write the Settlement Administrator stating: **(a)** the name and case number of the Action – “*Perrong v. Frontier Utilities Northeast LLC, et al.*, E.D. Pa., Case No. 2:20-cv-05844-MSG”; **(b)** the full name and the unique identification number for the Settlement Class Member assigned by the Settlement Administrator; **(c)** the address, telephone number, and email address of the Settlement Class Member seeking exclusion; **(d)** that you do not wish to participate in the settlement; and **(e)** be signed personally by you. If you are not submitting your request for exclusion through the Settlement Website, it must be sent to the Settlement Administrator at:

Frontier Utilities TCPA Settlement
c/o _____
[Address]
[City] [State], [Zip Code]
[www.\[xxxx\].com](http://www.[xxxx].com)

Your request for exclusion must be submitted electronically (through the Settlement Website) or be postmarked no later than [Month] [Day], [Year] at 11:59 pm (Eastern). If you submit your request for exclusion by postal mail, you are responsible for your postage.

If you validly and timely request exclusion from the Settlement Class, you will be excluded from the Settlement Class, you will not be bound by the Settlement Agreement or the judgment entered in the Action, you will not be eligible to make a Claim for any benefit under the terms of the Settlement Agreement, you will not be entitled to submit an objection to the Settlement Agreement, and you will not be precluded from prosecuting any timely, individual claim against the Released Parties based on the conduct complained of in the Action.

HOW TO OBJECT TO THE SETTLEMENT

16. How do I tell the Court that I disagree with the Settlement Agreement?

At the date, time, and location stated in Section 19 below, the Court will hold a Final Approval Hearing to determine if the settlement is fair, reasonable, and adequate, and to also consider the payments to Settlement Class Counsel (see Section 11) and Plaintiffs (see Section 12).

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed settlement, you must write to the Court and must: **(a)** clearly identify the case name and number – “*Perrong v. Frontier Utilities Northeast LLC, et al.*, E.D. Pa., Case No. 2:20-cv-05844-MSG”; **(b)** include the full name and the unique identification number for the Settlement Class Member assigned by the Settlement Administrator; **(c)** include the address, telephone number, and email address of the objecting Settlement Class Member; **(d)** include the full name, address, telephone number, email address, and the state bar(s) of admission of the objector’s counsel (if the objector is represented by personal counsel); and **(e)** provide a detailed explanation stating the specific reasons for the objection, including any legal or factual support and any evidence in support of the objection, in accordance with Rule 23(e)(5) of the Federal Rules of Civil Procedure. Objections may be submitted to the Settlement Administrator by postal mail. The Settlement Administrator will then have the objections submitted to the Court. Or you may submit the objections directly to the Court. If an objection is submitted by postal mail, the Settlement Class Member must pay for postage. The Settlement Administrator’s contact information is below.

Frontier Utilities TCPA Settlement
c/o _____
[Address]
[City] [State], [Zip Code]
Email: [xxxx]@[xxxx].com

The mailing address of the Court is:

Clerk of the Court
James A. Byrne U.S. Courthouse
United States District Court Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

The objection must be submitted electronically or be postmarked no later than [Month] [Day], [Year] at 11:59 pm (Eastern).

You may, but need not, submit your objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney’s fees and costs.

IF YOU DO NOT TIMELY MAKE AN OBJECTION, YOU WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS AND WILL NOT BE ENTITLED TO SPEAK AT THE FINAL APPROVAL HEARING.

If you submit a written objection, you have the option to appear and request to be heard at the Final Approval Hearing, either in person or through personal counsel. You are not required to appear. However, if you, or your attorney, intend to make an appearance at the Final Approval Hearing, you must include on your timely and valid objection a statement substantially similar to “Notice of Intention to Appear.” Only those who submit timely objections including Notices of Intention to Appear may speak at the Final Approval Hearing. If you make an objection through an attorney, you will be responsible for your attorney’s fees and costs.

17. What is the difference between excluding myself and objecting to the Settlement Agreement?

Objecting is simply telling the Court that you disagree with something about the Settlement Agreement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the settlement no longer affects you.

FINAL APPROVAL HEARING

18. What is the Final Approval Hearing?

The Court has preliminarily approved the settlement and will hold a hearing to decide whether to give final approval to the settlement. The purpose of the Final Approval Hearing will be for the Court to determine whether the settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the Fees, Costs, and Expenses Award to Settlement Class Counsel in the Action; and to consider the request for a Service Payment to the Plaintiffs.

19. When and where is the Final Approval Hearing?

On [Month] [Day], [Year] at [time], a hearing will be held on the fairness of the proposed settlement. At the Final Approval Hearing, the Court will be available to hear any objections and arguments concerning the proposed settlement’s fairness. The hearing will take place before the Honorable Mitchell S. Goldberg, United States District Court Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106 on [Month] [Day], [Year], at ____am/pm. The Final Approval Hearing may be postponed to a different date or time or location without notice. Please check [www.\[xxxx\].com](http://www.[xxxx].com) for any updates about the settlement generally or the Final Approval Hearing specifically. If the date or time of the Final Approval Hearing changes, an update to the Settlement Website will be the only way you will be informed of the change.

20. May I speak at the Final Approval Hearing?

At that Final Approval Hearing, the Court will be available to hear any objections and arguments concerning the fairness of the settlement. You may attend, but you do not have to. As described above in Section 16, you may speak at the Final Approval Hearing only if (a) you have timely submitted an objection; and (b) you have timely and validly provided a Notice of Intent to Appear. If you have requested exclusion from the settlement, you may not speak at the Final Approval Hearing.

ADDITIONAL INFORMATION**21. How do I get more information?**

To see a copy of the Settlement Agreement, the Court's Preliminary Approval Order, the application for a Fees, Costs, and Expenses Award, and the operative complaints filed in the Action, please visit the Settlement Website located at: [www.\[xxxx\].com](http://www.[xxxx].com). Alternatively, you may contact the Settlement Administrator at the email address [\[xxxx\]@\[xxxx\].com](mailto:[xxxx]@[xxxx].com) or the U.S. postal (mailing) address: [Address] [City], [State], [Zip Code]. You may also obtain information by calling 1-8XX-XXX-XXXX.

This description of the Action is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file, you should visit www.pacer.gov or the Clerk's office at James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. The Clerk will tell you how to obtain the file for inspection and copying at your own expense.

22. What if my address or other information has changed or changes after I submit a Claim Form?

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so at the address below:

Frontier Utilities TCPA Settlement

c/o _____

[Address]

[City] [State], [Zip Code]

1-8XX-XXX-XXXX

Email: [\[xxxx\]@\[xxxx\].com](mailto:[xxxx]@[xxxx].com)

* _ * _ *

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE
LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.**